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HIGH COURT OF ORISSA, CUTTACK

NOTIFICATION

The 14th May 2010

No. 311—R-XI-18/2009—In exercise of the powers conferred under Section 13(2), read with Section 39 of the Gram Nyayalayas Act, 2008 (Central Act No. 4 of 2009), the High Court of Orissa do hereby make the following Rules, namely :—

CHAPTER I

PRELIMINARY

1. Short Title, Extent and Commencement :

- (i) These Rules may be called the Orissa Gram Nyayalayas (Court) Rules, 2009.
- (ii) They shall come into force within the territory of the State of Orissa from the date of its publication in the *Orissa Gazette*.

2. Definitions :

In these rules, unless the context otherwise provides,—

- (a) 'Act' means the Gram Nyayalayas Act, 2008;
- (b) 'District & Sessions Judge' means the District & Sessions Judge of concerned district within whose local limits Gram Nyayalaya is established;
- (c) 'Chief Judicial Magistrate' means Chief Judicial Magistrate of the concerned district in whose local limits the Gram Nyayalaya is established;
- (d) 'Offence' means the offences prescribed in the first Schedule appended to the Act.
- (e) 'State Government' means the Government of Orissa.

CHAPTER II

GRAM NYAYALAYA

3. The local limits of each Gram Nyayalaya shall be revenue limits of such Gram Panchayat or group of contiguous Gram Panchayats in a district as notified by the State Government after consultation with the High Court as per Section 3(2) of the Act. The Headquarters of the Gram Nyayalaya shall be at a place as specified in the notification issued by the State Government as per Section 3 (4) of the Act.

4. Sitting of the Gram Nyayalaya :

(a) The Court hour and sitting and rising hours of Nyayadhikari are as per the General Rules and Circular Orders of the High Court of Judicature, Orissa (Civil) and (Criminal).

(b) The Nyayadhikari as and when holds courts as per Section 9(1) of the Act shall give prior intimation to the Chief Judicial Magistrate and District Judge.

5. Power, function, and territorial jurisdiction of Gram Nyayalaya:

The Gram Nyayalaya shall exercise both Criminal and Civil Jurisdiction and dispose of the matters as described in the 1st and 2nd Schedule of the Act over the local limits of the area as notified by the State Government in consultation with the High Court under Section 3(2) of the Act.

6. Civil Cases :

(a) The Gram Nyayalaya shall try all Civil suits/claims/disputes/original proceedings where the value of the subject matter of such proceedings does not exceed Rs10,000 (rupees ten thousand) for the purpose of pecuniary jurisdiction. The High Court from time to time in consultation with the State Government may increase or decrease the limits of pecuniary jurisdiction of the Nyayadhikari.

(b) Notwithstanding any thing contained in the Court Fees Act, 1870 and without prejudice to the exemptions mentioned in Schedules I & II of the said Act (vide notification dated the 7th June 1994 issued by Government of Orissa, Law Department) Court fees of Rs. 100 (rupees one hundred) shall be leviable on all applications which are in the form of suits, claims, disputes or original proceedings presented before the Nyayadhikari and Court fees of Rs. 3 (three) shall be leviable on all other miscellaneous applications.

(c) Every suit, claim dispute or proceeding shall be instituted by way of application in the *pro forma* prescribed in appendix 'A'. The person/institution filing the suit is called plaintiff and the person/institution against whom the suit is filed is called the defendant whereas in respect of other claims and proceedings the person who filed such proceeding is called the applicant and person against whom the proceeding is filed is called opposite party.

(d) As regards the manner of service of summons / notices on Opp.-Party/Defendant the Gram Nyayalaya shall act in accordance with the provisions of Order V, Rule 9, C.P.C.

7. Conciliation :

(a) The Gram Nyayalaya shall, at the first instance make all endeavour to assist, persuade and conciliate the parties in arriving at a settlement in respect of the subject matter of the suit/claim/dispute through conciliation and for the purpose invoke Section 89, C.P.C. and Civil Procedure Mediation Rules, 2007 framed by the Orissa High Court.

(b) Appointment of Conciliators

The following categories of persons who render social work maintaining integrity be appointed as Conciliators at Gram Nyayalaya for settlement of disputes between the parties as per Section 27 of the Act :—

(i) Retired District & Sessions Judges or retired Judicial Officers having at least 15 years experience as such.

(ii) Legal practitioners having at least 15 years practice at the Bar

(iii) Experts or other professionals with at least 15 years standing or retired senior bureaucrats or retired senior executives.

(iv) Institutions/voluntary organisations who are themselves experts in mediations and have been recognised as such.

(v) Any member in the panel of mediators appointed under Rule 3 (a) & (b) of Civil Procedure Mediation Rules framed by High Court of Orissa for District and Subordinate Courts.

(vi) Trained Conciliators who were imparted training by the Orissa Legal Services Authority/Orissa High Court.

CRIMINAL CASES

8. The Nyayadhikari while exercising Criminal jurisdiction in the Gram Nyayalaya as Judicial Magistrate (First Class) shall follow the procedure as prescribed in Chapter IV of the Act.

CHAPTER III

9. Nomenclature of the Cases:

Any criminal case or civil suit, claim or dispute instituted in the Gram Nyayalaya shall be registered with the same nomenclature as prescribed in G. R. & C. O. both for criminal and civil proceedings respectively. For its identification from the regular Courts, the alphabets (G. N.) shall be in between the nomenclature and the number of the case / suit / claim/dispute/proceeding.

Similar procedure shall be adopted by Appellate Courts in case of appeals filed from any order or judgment of Gram Nyayalaya.

10. Language :

The proceedings before the Gram Nyayalaya and its judgment, as far as practicable, be in Oriya language, rather than in English language as per Section 29 of the Act.

11. Seal :

(a) The regular seal of Gram Nyayalaya shall be round and of same dimensions identical to the seal used in the Court of Judicial Magistrate First Class with writing in English language "Nyayadhikari, Gram Nyayalaya" disclosing the place where the Gram Nyayalaya situates. The emblem of "Ashok Pillar" shall be at the middle of the seal.

This seal is to be used for sealing of judgements, writs, processes, copies and other documents made or issued judicially.

(b) One date seal of similar round shape having diameter of 4 c.m. with similar writing as prescribed in sub-rule (i) disclosing the date at the middle shall be used by Gram Nyayalaya for affixing on all documents and papers presented before the Gram Nyayalaya in order to show the date on which they are presented.

(c) All the seals shall remain in custody of a responsible officer of the Gram Nyayalaya as per direction of the Nyayadhikari.

12. Inspection :

The District & Sessions Judge of the concerned district shall inspect the Gram Nyayalaya within his jurisdiction once in a year and shall submit inspection report to the High Court.

13. Accounts :

The District & Sessions Judge of the concerned district shall be the Drawing and Disbursing Officer in respect of Gram Nyayalaya.

CHAPTER IV

14. Miscellaneous :

(a) The applications in the nature of suits, claims or disputes and all other miscellaneous applications shall be presented before the Nyayadhikari or Officer so authorized by the Nyayadhikari.

(b) In all the proceedings in the Gram Nyayalaya the forms prescribed in the G.R. & C.O. both Civil and Criminal, Vol. II shall be used for issuance of notices/summons to the parties.

(c) The Registers prescribed for the Court of cognizance taking Magistrates and Principal Civil Judge as per G.R. & C.O. shall also be maintained by Gram Nyayalaya. The District and Sessions Judge in respect of appeals arising out of cases decided by Gram Nyayalaya shall specifically mention the alphabets GN conspicuously in red ink against the entries in the appeal and other registers maintained by his office wherever it is necessary.

(d) The Gram Nyayalaya shall observe such holidays as are declared by the High Court for the Subordinate Courts of the concerned districts from time to time.

(e) The confidential report of Nyayadhikari shall be written by the concerned District & Sessions Judge as is written in case of other Subordinate Judges and will be placed before the High Court for final approval.

(f) The Nyayadhikari shall be subject to and shall also be governed by the Orissa Superior Judicial Service Rules and Orissa Judicial Service Rules, 2007 as well as other Service Conditions and Rules applicable to the Judicial Officers of Subordinate Courts.

By order of the High Court

P. K. PANDA

Registrar (Vigilance)

Under Rule 6 (c) of the Orissa Gram Nyayalayas (Court) Rules, 2009

Pro forma for suits, claims and disputes under the Act

TITLE

Before the Gram Nyayalaya (place)

District

A

B

C

D

(Name of Applicant(s)/Plaintiff(s))

Versus

A

B

C

(Name of Opposite-Party(s)/Defendant(s))

Nature of relief and valuation to be stated

1. Introductory averments pertaining to filing of application in the nature of suits, claims or disputes.
2. Introductory averments pertaining to Opposite-Parties/Defendant(s)
3. Facts of the case
4. Facts showing when the cause of action arose
5. Facts showing that the Gram Nyayalaya has territorial and pecuniary jurisdiction
6. Details of Court fees

Prayer

7. Details of relief sought

Verification

I.....,son of..... aged about....., resident of.....,do hereby solemnly affirm and state that the contents from Paras. 1 to 7 of the application are true to best of..... knowledge. Nothing false has been pleaded nor anything material has been concealed.

Name & Signature of Applicant(s)